

2-11 _____ A

Express Mail Label No.: E153944US
Date of Deposit: February 8, 2002

Attorney Docket No. 21402-258 (CURA-558)

01/31/02
jc952 U.S. PTO

jc952 U.S. PTO
10/072012
01/31/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FIRST-NAMED INVENTOR OR
APPLICATION IDENTIFIER: Velizar Tchernev, et al.

FOR: PROTEINS AND NUCLEIC ACIDS ENCODING SAME

Assistant Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL LETTER

Transmitted herewith for filing in the present application are the following documents:

1. Petition Under 37 C.F.R. 1.10(e) (1pg.);
2. Application in its entirety as originally filed on January 31, 2002;
 - a. 1,496 pages of Specification
 - b. Request for New Non-Provisional Application (2 pgs.)
 - c. Check #11541 for \$1,260.00
 - d. Unexecuted Declaration (9 pgs.)
3. Copy of USPS Shipping Center Track and Confirm Receipt (1 pg.); and
4. Return Postcard

The Commissioner is authorized to credit any overpayment or charge any deficiencies to Deposit Account No. 50-0311, reference number 21402-258 (CURA-558). A duplicate copy of this transmittal letter is enclosed.

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at (617) 542-6000, Boston, Massachusetts.

Respectfully submitted,

Dated: February 8, 2002

Christine V. Karamalis, Reg. No. 45,899
Ivor R. Elrifi, Reg. No. 39,359
Attorney for Applicant
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY and POPEO, P.C.
One Financial Center
Boston, Massachusetts 02111
Tel: (617) 542-6000
Fax: (617) 542-2241

Express Mail Label No.: ER 153096US
Date of Deposit: January 31, 2002

Attorney Docket No. 21402-258 (CURA-558)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FIRST-NAMED INVENTOR OR Velizar Tchernev, et al.

APPLICATION IDENTIFIER:

FOR: PROTEINS AND NUCLEIC ACIDS ENCODING SAME

Box PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

**REQUEST FOR FILING A NEW NONPROVISIONAL APPLICATION UNDER 37
C.F.R. §1.53(b)**

1. This is a request for filing a new nonprovisional application under 37 C.F.R. §1.53(b).

This application claims priority from USSN 60/265,102, filed on January 30, 2001; USSN 60/265,514, filed on January 31, 2001; USSN 60/265,517, filed on January 31, 2001; USSN 60/265,412, filed on January 31, 2001; USSN 60/265,395, filed on January 31, 2001; USSN 60/266,406, filed on February 2, 2001; USSN 60/266,767, filed on February 5, 2001; USSN 60/267,057, filed on February 7, 2001; USSN 60/266,975, filed on February 7, 2001; USSN 60/267,459, filed on February 8, 2001; USSN 60/267,823, filed on February 9, 2001; USSN 60/268,974, filed on February 15, 2001; USSN 60/271,855, filed on February 27, 2001; USSN 60/271,839, filed on February 27, 2001; USSN 60/273,046, filed on March 2, 2001; USSN 60/272,788, filed on March 2, 2001; USSN 60/275,989, filed on March 14, 2001; USSN 60/275,925, filed on March 14, 2001; USSN 60/275,947, filed on March 14, 2001; USSN 60/275,950, filed on March 14, 2001; USSN 60/276,450, filed on March 15, 2001; USSN 60/276,448, filed on March 15, 2001; USSN 60/276,397, filed on March 16, 2001; USSN 60/276,768, filed on March 16, 2001; USSN 60/278,652, filed on March 20, 2001; USSN 60/278,775, filed on March 26, 2001; USSN 60/278,778, filed on March 26, 2001; USSN 60/279,882, filed on March 29, 2001; USSN 60/279,884, filed on March 29, 2001; USSN 60/280,147, filed on March 30, 2001; USSN 60/283,083, filed on April 11, 2001; USSN 60/282,992, filed on April 11, 2001; USSN 60/285,133, filed on April 20, 2001; USSN 60/285,749, filed on April 23, 2001; USSN 60/288,327, filed on May 3, 2001; USSN 60/288,504, filed on May 3, 2001; USSN 60/294,047, filed on May 29, 2001; USSN 60/294,473, filed on May 30, 2001; USSN 60/296,964, filed on June 8, 2001; USSN 60/298,959, filed on June 18, 2001; USSN 60/299,324, filed on June 19, 2001; USSN 60/312,020, filed on August 13, 2001; USSN 60/312,908, filed on August 16, 2001; USSN 60/312,889, filed on August 16, 2001; USSN 60/313,930, filed on August 21, 2001; USSN 60/315,470, filed on August 28, 2001; USSN 60/316,447, filed on August 31, 2001; USSN 60/318,115, filed on September 7, 2001; USSN 60/318,118, filed on September 7, 2001; USSN 60/318,740, filed on September 12, 2001; USSN 60/323,379, filed on September 19, 2001; USSN 60/330,308, filed on October 18, 2001; USSN 60/330,245, filed on October 18, 2001; USSN 60/332,701, filed on November 14, 2001; and USSN 60/271,664, filed on February 26, 2002.

FIRST-NAMED INVENTOR OR **Velizar Tchernev et al.**
APPLICATION IDENTIFIER:
Request for New Nonprovisional Application (37 C.F.R. §1.53(b))

2. Specification (Total pages: 1,496);
Specification (1,487 pages); Claims (8 pages); Abstract (1 page)
3. Declaration and Power of Attorney (unexecuted)
4. Fee Calculation

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 C.F.R. 1.16(a) \$740.00
Total Claims (37 C.F.R. 1.16(c))	49	- 20 =	29	\$ 18.00	\$522.00
Independent Claims (37 C.F.R. 1.16(b))	3	- 3 =	0	\$84.00	\$0
Multiple Dependent Claim(s), if any (37 C.F.R. 1.16(d))				\$270.00	
				SUBTOTAL:	\$1,262.00
		Reduction by 50% for filing by small entity:			\$
				TOTAL FEE:	\$1,262.00

5. Check #11294 in the amount of **\$1,262.00** is enclosed.
6. The Commissioner is hereby authorized to credit overpayments or charge any deficiencies
Deposit Account No. 50-0311, Ref. No. 21402-258 (CURA-558)
7. Return Receipt Postcard Enclosed.

Respectfully submitted,

Dated: January 31, 2002

Christine V. Karnakis, Reg. No. 45,899
Ivor R. Elrifi, Reg. No. 39,359
Attorney for Applicant
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY and POPEO, P.C.
One Financial Center
Boston, Massachusetts 02111
Tel: (617) 542-6000
Fax: (617) 542-2241

Express Mail Label No.: EK005 4US
Date of Deposit: February 8, 2002

Attorney Docket No.: 21402-258 (CURA-558)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Tchernev. *et al.*
SERIAL NUMBER: Not yet assigned EXAMINER: Not yet assigned
FILING DATE: January 31, 2002 ART UNIT: Not yet assigned
FOR: PROTEINS AND NUCLEIC ACIDS ENCODING SAME

February 8, 2002
Boston, Massachusetts

Assistant Commissioner for Patents
Washington, D.C. 20231

PETITION UNDER 37 C.F.R. § 1.10(e)

Pursuant to 37 C.F.R. § 1.10(e), Applicants hereby petition the Commissioner to consider the enclosed patent application (and accompanying transmittal documents) as having been filed in the United States Patent and Trademark Office ("the Office") on the United States Postal Service ("USPS") deposit date. As required, this correspondence was addressed as set out in 37 C.F.R. § 1.1(a) to the Office with sufficient postage utilizing the "Express Mail Post Office to Addressee" service of the USPS but not received by the Office.

Applicants believe that no additional fees are due in connection with this submission. However, the Commissioner is hereby authorized to charge any deficiencies, or credit any overpayment of the same, to Deposit Account No. 50-0311 (Reference 21402-258 (Cura-558)). A duplicate copy of this petition is enclosed.

In accordance with 37 C.F.R. § 1.10(e)(1), Applicants submit that the instant petition is being filed promptly after the Applicants became aware that the patent application (and accompanying transmittal documents) had been returned by the USPS without being delivered to the Office. The box containing the patent application (and accompanying transmittal documents) was returned to the undersigned on February 8, 2002 with a label from the USPS indicating that the package was undeliverable.

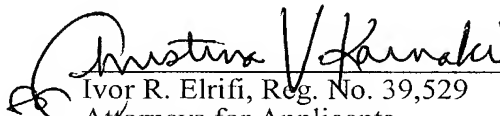
Moreover, in accordance with 37 C.F.R. § 1.10(e)(2), Applicants submit that the "Express Mail" mailing label number was included on the transmittal documents accompanying the patent application prior to the original mailing by "Express Mail."

In connection with the instant petition, Applicants also submit a copy of the originally deposited patent application (and accompanying transmittal documents) that constitute the correspondence showing the number of the "Express Mail" mailing label thereon, a copy of the original "Express Mail" label, as well as a copy of a "Track & Confirm" inquiry from the USPS website indicated that the package bearing the "Express Mail" mailing label number EK005153096US was accepted by the USPS at 7:03 PM on January 31, 2002 in BOSTON, MA 02205.

In accordance with 37 C.F.R. § 1.10(e)(4), Applicants hereby state that the copies of the patent application (and accompanying transmittal documents), the original "Express Mail" label, and the official notation entered by the USPS (the "Track & Confirm" inquiry) are true copies of the originally mailed patent application (and accompanying transmittal documents), the original "Express Mail" label, and the official notation entered by the USPS.

Based on the foregoing, Applicants hereby request that this patent application (and accompanying transmittal documents) be granted the USPS deposit date (January 31, 2002) as a filing date.

Respectfully submitted,


Ivor R. Elrifi, Reg. No. 39,529
Attorneys for Applicants
c/o MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.
One Financial Center
Boston, Massachusetts 02111
Tel: (617) 542-6000
Fax: (617) 542-2241